

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

OPTIMORPHIX, INC.,

Plaintiff,

v.

BROADCOM, INC.,

Defendant.

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Civil Action No. 5-23-cv-00134

JURY TRIAL DEMANDED

**DECLARATION OF RYAN D. PHILLIPS
IN SUPPORT OF BROADCOM INC.'S MOTION TO DISMISS**

1. I, Ryan D. Phillips, am Direction and Managing IP Counsel at Broadcom Inc. I am over the age of 18 and have actual knowledge of the statements made herein, and could and would testify to said facts if called to do so in a court of law.

2. Broadcom Inc. is incorporated in Delaware, and its principal place of business is in California. Broadcom Inc. is a holding company, which serves as a direct and indirect parent company for its subsidiaries. Each of those subsidiaries maintains its own independent corporate, partnership, or limited liability company status, identity, and structure. As a holding company, Broadcom Inc. does not itself manufacture, sell, offer for sale, export, import, or otherwise distribute any Broadcom products.

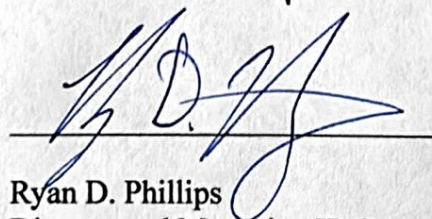
3. Broadcom Inc. is not registered nor licensed to do business in Texas. Broadcom Inc. does not have any physical presence in the Eastern District of Texas ("EDTX"). Broadcom Inc. does not own or lease any real estate in the EDTX. Broadcom Inc. does not possess or control any physical place in the EDTX. Broadcom Inc. does not own or control shelf space in the EDTX.

Broadcom, Inc. does not employ anyone in the EDTX. Broadcom Inc. does not have any registered agent in Texas.

4. Plaintiff OptiMorphix, Inc. ("OptiMorphix") alleges in Paragraph 9 of the Complaint that Broadcom Inc. has "a regular and established place of business at 5465 Legacy Drive, Plano, Texas 75024" and "may be served through its registered agent Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, located at 211 E. 7th St., Suite 620, Austin, TX 78701." Neither of the addresses listed in Paragraph 9 of the Complaint are places of business of Broadcom Inc. Moreover, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, located at 211 E. 7th St., Suite 620, Austin, TX 78701, is not a registered agent of Broadcom Inc.

5. CA, Inc. is a subsidiary of Broadcom Inc., incorporated in Delaware, with its principal place of business is in California. CA, Inc. is a legally and separate corporate entity from Broadcom Inc. Unlike Broadcom Inc., CA, Inc. is registered to do business in Texas. CA, Inc. has leased the office space located at 5465 Legacy Drive, Plano, Texas 7502 for more than twenty years, including through the present.

I declare under penalty of perjury that the above statements are true and correct to the best of my knowledge. Executed on January 25, 2024 in Adams County, Colorado.

A handwritten signature in blue ink, appearing to read "R. D. Phillips", is written over a horizontal line.

Ryan D. Phillips
Director and Managing IP Counsel at Broadcom Inc.